

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 19, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EDWARD LEON NELSON,
Petitioner,

v.

JASON BENNETT,
Respondent.

1:24-cv-03009-SAB

ORDER DISMISSING PETITION

On April 17, 2024, the Court received documents from Petitioner indicating that he wishes to voluntarily withdraw his *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254, and to advise the Court of his legal name change to Is-real Almighty Divine. ECF Nos. 7 and 7-1. The \$5.00 filing fee was paid for this action. Respondent has not been served.

Accordingly, **IT IS ORDERED:**

1. Petitioner's construed Motion to Voluntarily Dismiss Petition, **ECF No. 7**, is **GRANTED** pursuant to Federal Rule of Civil Procedure 41(a).

2. The Petition, **ECF No. 1**, is **DISMISSED without prejudice**.

3. The Clerk of Court is **DIRECTED** to enter **JUDGMENT** of dismissal without prejudice.

4. The Clerk of Court is **DIRECTED** to **CLOSE** the file.

1 5. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal
2 from this decision could not be taken in good faith and there is no basis upon
3 which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App.
4 P. 22(b). A certificate of appealability is therefore **DENIED**.

5 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
6 and provide a copy to Petitioner.

7 **DATED** this 19th day of April 2024.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
Chief United States District Judge